

To: Advent Lutheran Church Congregational Council
James Cassens, Mark Dentler, Tim Heine, Peggy Leonhardt, Leslie Holmes, Rodney Leonhardt Jr., Betty Louis, Terry Rodgers, Joel Vest, Shirley Taloff
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Fm: Charlie Dean, member of Advent Lutheran Church, Houston, TX

Re: Disciplinary Action per Advent's Constitution Chapter 15 – Discipline of a Member

Date: December 20, 2011

Statement Provided at Disciplinary Hearing

First and foremost I request that Council declare itself unqualified to sit in judgment of any fact of consequence to this disciplinary matter. **Officers whose names appear on the letter of January 19, 2011 are disqualified from sitting in judgment.** Complainants ought not be permitted to sign a complaint letter, then at the hearing assert that they are no longer complainants but instead jurists to judge the person whom they complained of previously.

Digital exchange of documents: Council members have, or could if they wanted, digital versions of all my material. Council has provided me with no digital versions, and I request a digital exchange of all past material. I request a digital exchange of all future material.

Public hearing: I request that this matter be public.

Council officers (Complainants) fail to explain what the elements of Chapter 15 are that must be proved. As this has not been clearly set out in the CITATION, I have not been able to prepare a defense.

Council officers (Complainants) have failed to notice that Chapter 15 is not the proper cause of action. Chapter 15 requires an established morality problem. Pursuing a Chapter 15 claim is premature if a morality problem is not clearly established. Under Chapter 15 an established morality problem cannot be contingent on future activities or outcomes. If the dispute is open

for reasonable interpretation, it cannot be the subject of an admonishment. If the dispute could go before a tribunal (without specifying which one) for a resolution or determination, it cannot be the subject of an admonishment. Even, assuming that there were an established morality problem, Council officers (Complainants) have failed to allege it in the CITATION.

Even assuming that Chapter 15 were the proper vehicle, Council officers (Complainants) conveniently overlook that in order to have any “admonition by the pastor”, there must be an established morality problem. Council officers (Complainants) abused the system, and took advantage of Pastor Beck, by presuming and speculating that they would later establish a morality problem at a subsequent hearing, and trying to use that speculation as an established morality problem at the admonition steps in the Chapter 15 process, and putting undue influence on Pastor Beck to participate in this process. While Pastor Beck provided his presence in the process, he did not go along with the bogus establishment of a morality problem and no admonition on it was done, or attempted by Pastor Beck.

Even assuming that Chapter 15 were the proper vehicle, Council officers (Complainants) have failed to assure that there is continuity with any supposed established morality problem. The CITATION is devoid of any explanation of what the established morality problem was at each of the numerous steps in the Chapter 15 process. Each step in the Chapter 15 process must lead to a reasonable admonition, or it must derive from a reasonable admonition. The established morality problem must be the same at each of the seven steps in the Chapter 15 process. Each one of the seven steps must be about the same established fault or -breach of duty.

Chapter 15 is not the proper cause of action for Complainants to use in this situation. Council officers (Complainants) have failed to set out facts sufficient to justify using a Chapter 15 disciplinary proceeding. Complainants fail to set out any theory based on Advent’s governing document, or any other governing document. Complainants fail to explain what fault is being alleged and what, if anything, reasonably amounts to fault. Complainants fail to explain what tribunal, if any, has made a determination that a particular fault has been found, or even hypothetically determined. Complainants fail to explain any facts or circumstances that entitle them to seek relief of any sort under Chapter 15. Complainants have so poorly explained what the complaint is, or might be, that I am unable to admit or deny anything because the information provided is so insufficient.

On November 29, 2011 I met with Pastor Beck, James Cassens, Mark Dentler. The only document I took from this meeting was the CITATION. However, at this meeting I was presented with a document that would have terminated my membership at Advent. There were at least two other documents which I was also encouraged to sign; I was told that if I signed any one of them this disciplinary process would come to an end. At this meeting it appeared that the sixteen people whose names appeared on the January 19, 2011 letter, as again represented at this meeting, wanted me to sign one of the three or more documents that were available at the November 29 meeting. The letter of January 19, 2011 uses “we” and “council”. It is not possible that any literate signor would think that he was not part of “we”. Each signor’s name appears above his respective position on Council.

Some of the same language of the January 19, 2011 letter appears again on the CITATION dated November 29, 2011; the words “we” and “council” are used. It appears that the same sixteen people who authored the January 19, 2011 letter are the same who authored the CITATION dated November 29, 2011 even though no names appear.

On December 13, 2011 at 10:01 PM in an email, James Cassens states “Mr. Tim Heine, the Accuser, has brought charges against you. These charges have been filed with Pastor Beck in accordance with the Constitution.” This was my first notice that Tim is the sole Complainant. My dealings with Tim ended eleven or maybe twelve months ago. I do not believe I have spoken with Tim since, or perhaps only in passing. I do not believe my dealings with Tim almost a year ago muster up to Advent’s reconciliation requirement. I have not discussed with Pastor Beck any reconciliation process relating to Tim Heine.

Tim Heine is not capable of reconciliation in this matter. He lacks the ability to conduct himself (towards others) with regard to fairness and open-mindedness. He lacks the ability to deal with relationships of multiple concepts. The only reason I dealt with Tim was because Mark Bathe, the 2010 President, designated Tim as the person I should deal with and Mark told me not to go to anyone else other than Tim. The initial impression Tim gives is friendly, however he is dominating and is not satisfied if the other person fails to assume a submissive role. I have never had the desire nor do I have any obligation to be Tim’s submissive. If Tim cannot get his way quickly he becomes accusatory and vindictive. I know that Tim is prone to lose his temper with people of lesser status. I have wondered for months whether Mark Bathe had a hidden agenda by tapping Tim. I prefer not to work with Tim from this point forward. I had hoped that I would not need to mention this.

It is inappropriate for a church officer to engage a church member in a series of conversations and emails in a surreptitious manner that allows him to later construe this as steps in Advent’s reconciliation process, and secretly deposit material with the church office, and essentially use his position as a church officer to manipulate the system and take an unfair advantage. It is inappropriate for other church officers to join with another in carrying out such plan. James Cassens and Mark Dentler have also expended their credibility with me and I prefer not to work with them.

On December 15, 2011 at 6:26 PM in an email, James Cassens states “... charges are being brought against you, they are listed on the citation given you on 11/29/2011.” On December 16, 2011 at 10:34 AM in an email Pastor Beck states “... the written charges that were written by Tim Heine ...” This is disturbing, as at the meeting on November 29, 2011 Pastor Beck told me that he had prepared the CITATION as instructed by Council. In any event, December 16, 2011 was my first notice that Tim Heine is the author of the charges.

There is no excuse for James Cassens and Mark Dentler going to the meeting of November 3, 2011 and acting like the sixteen people were the Complainants. Any reasonable person sitting across the table would have thought that the sixteen people were Complainants. Then at the meeting of November 29, 2011 James and Mark sat and offered nothing to indicate that the sixteen people were not Complainants. The letter of January 19, 2011 would appear to any reasonable person to be a complaint, albeit whiny, rambling, digressive, and unrelated to

Advent's governing document.

Even if Tim Heine were a sole Complainant, we would have a clandestine grievance that has, with manipulation and conniving of Council officers, navigated the reconciliation process in a surreptitious manner. This is deception practiced in order to secure unfair gain. At best, though, this shows Council officers being ignorant and incompetent.

At the meeting of November 29, 2011, Mark Dentler told me that my signing any one of several documents there would stop the disciplinary hearing. One of the documents was Council's letter of January 19, 2011 and another was the CITATION, and there may have been another one or two. No such document where my signature could have been affixed, in any way makes any connection to a complaint from Tim Heine alone. It is not possible that a reasonable person could experience this scenario and come to the conclusion that the sole Complainant was Tim Heine.

Council excludes me from its meetings where strategy concerning this disciplinary process is discussed. Council should not leave me with skimpy information, forcing me to engage my imagination about remote, contingent, and speculative events that may occur. Council has an obligation of full disclosure. **Council has used trickery, it has manipulated the reconciliation process, it has manipulated its process generally, and it has engaged in bullying and intimidation in order to dodge a bullet. That bullet is Council's censorship policy.** Pastor Beck has been manipulated by some Council officers.

Tim Heine, James Cassens, and Mark Dentler should have their own disciplinary hearing. However, I doubt that it would be worth my time to pursue it or participate in it.

The CITATION fails to explain or show that Chapter 15 is applicable (the proper cause of action) in this situation. The CITATION fails to explain or show that the Chapter 15 procedure, which includes reconciliation, has been properly followed.

As "synods have ... oversight of ... the disciplinary process shall be a responsibility of the synod on behalf of this church and jointly with it" (20.11. ELCA Const.), I find it disturbing that certain information has not been timely provided to me. Under Matthew 18:15-17 there are three steps set out. The CITATION fails to explain how Council officers (Complainants) accomplished the three steps. Under Part 20.41.02.(a,b,c) four steps are set including the hearing. The CITATION is lacking in this area as well. Part 20.41.03. sets out prerequisites to a CITATION and a hearing. The CITATION is lacking.

Simply handing me a stack of papers at a hearing does not give me adequate time to prepare a defense. If I ever receive proper notice of the details in this case, **it is possible that I would need to spend a month working several hours a day to prepare adequately for a hearing.** The synod office ought to know this. The ELCA speaks of Due Process and Due Protection, and I encourage the synod officers to keep that in mind.

Council officers (Complainants) are much less interested in due process and due protection pursuant to the ELCA Constitution than they are with silencing me. Council officers care

much more about silencing me than they do about benefiting the Congregation of Advent Lutheran Church and advancing Advent's "Statement of Purpose". Had Council released non-exempt digital material a year ago, the Congregation could have spent the past year experimenting with various ways of making it available online. Instead of benefiting others, Council officers have indulged in an exaggerated sense of self-importance and conceit, and have made their ego the center of their attention.
